

1 IN THE UNITED STATES DISTRICT COURT

2 MIDDLE DISTRICT OF FLORIDA

3 TAMPA DIVISION

4  
5 REBOTIX REPAIR, LLC

6 Plaintiff,

7 vs.

Case No. 8:20-CV-02274

8 INTUITIVE SURGICAL, INC.,

9 Defendant.

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11  
12  
13 REMOTELY CONDUCTED

14 VIDEOTAPED DEPOSITION OF RONALD LEE BAIR, JR.

15 Livermore, California (Witness's location)

16 Monday, May 24, 2021

17  
18  
19  
20  
21 Stenographically reported by:  
LORRIE L. MARCHANT, RMR, CRR, CCRR, CRC  
22 California CSR No. 10523  
Washington CSR No. 3318  
23 Oregon CSR No. 19-0458  
Texas CSR No. 11318

24  
25 Job No. 194222

May 24, 2021

12:39 p.m. PDT

Remotely conducted videotaped deposition  
of Ronald Lee Bair, Jr., before Lorrie L.  
Marchant, a Certified Shorthand Reporter,  
Registered Merit Reporter, Certified  
Realtime Reporter, California Certified  
Realtime Reporter, Certified Realtime  
Captioner.

A P P E A R A N C E S

(All appearances remotely via Zoom)

APPEARING ON BEHALF OF THE PLAINTIFF:

DOVEL & LUNER

BY: ALEXANDER ERWIG, ESQ.

LORENZO LAMO, LEGAL ASSISTANT

201 Santa Monica Boulevard

Santa Monica, CA 90401

APPEARING ON BEHALF OF THE DEFENDANT:

SKADDEN ARPS SLATE MEAGHER & FLOM

BY: KAREN LENT, ESQ.

WILLIAM DARIO, ESQ.

One Manhattan West

New York, NY 10001

ALSO PRESENT:

Danielle Greene, Videographer

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1 A. That is correct.

2 Q. So if Intuitive doesn't service that robot  
3 and the robot fails, it means the hospital can no  
4 longer do surgeries with that robot; right?

5 A. That is correct.

6 Q. So if Intuitive hears that a hospital is  
7 using reprogrammed instrumentation on a da Vinci  
8 robot, ultimately, Intuitive will not service that  
9 da Vinci robot; right?

10 A. Following the steps that we discussed, we  
11 may end up declining to service the robot. That is  
12 correct.

13 Q. And, ultimately, when hospitals have  
14 continued to use these EndoWrists that have been  
15 reprogrammed by a third party, Intuitive has, in  
16 fact, terminated sales agreements and refused to  
17 service da Vinci robots; right?

18 A. That is correct.

19 Q. And so it's certainly not true that there's  
20 no consequence to a hospital that wants to use  
21 reprogrammed EndoWrists on its da Vinci robots;  
22 right?

23 A. That is correct.

24 Q. In fact, Intuitive aggressively enforces  
25 its sales contracts to ensure that hospitals don't